

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-11, 13-28, and 30-36 are presently active in this case, Claims 1, 3-6, 8-11, 13, 16, 21-25, 28, and 32 having been amended by way of the present Amendment.

Care has been taken such that no new matter has been entered. The claims have merely been amended to provide easy to reference names for the items discussed therein, and to remove repetitive language.

In the outstanding Official Action, Claims 1, 3-11, 13-28, and 30-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (U.S. Patent No. 6,636,983) in view of Kiyohara et al. (U.S. Patent No. 5,237,693). For the reasons discussed below, the Applicant traverses the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because (1) the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations,

and (2) there is no suggestion or motivation to modify the references to arrive at the present invention.

Claim 1 of the present application advantageously recites a peripheral device comprising, among other features, means provided in the peripheral device for selecting a managing peripheral device to manage a plurality of other peripheral devices and the peripheral device, wherein the managing peripheral device is selected by the means for selecting out of a group including the plurality of other peripheral devices and the peripheral device. Claim 11 recites a system comprising, among other features, means provided in each peripheral device for selecting a managing peripheral device to manage the plurality of peripheral devices, wherein the managing peripheral device is selected by the means for selecting out of a group including the plurality of peripheral devices, which includes peripheral devices other than the peripheral device selecting the managing peripheral device. Claim 21 recites a method comprising, among other steps, the step of using a peripheral device of the plurality of peripheral devices to select a managing peripheral device to manage the plurality of peripheral devices, wherein the managing peripheral device is selected out of a group including the plurality of peripheral devices, which includes peripheral devices other than the peripheral device used to select the managing peripheral device. And Claim 28 recites a computer program product comprising, among other features, a second computer code device configured to select the managing peripheral device to manage the plurality of peripheral devices, wherein the managing peripheral device is selected out of a group including the plurality of peripheral devices, which includes peripheral devices other than the

peripheral device used to select the managing peripheral device. The Applicant submits that the above features are not disclosed or suggested by the cited references.

The Official Action acknowledges that the Levi reference fails to teach means provided in the peripheral device for selecting one peripheral device out of a plurality of peripheral devices to manage the peripheral devices. Thus, it is evident that the Levi reference does not disclose or suggest the above features recited in independent Claims 1, 11, 21, and 28. The Official Action cites the Kiyohara et al. reference for such a teaching. However, the Applicant respectfully submits, for the reasons set forth below, that the Kiyohara et al. reference fails to supplement the deficiencies in the teachings of the Levi reference.

The Kiyohara et al. reference describes a system for accessing peripheral devices connected in a network, and in particular, a system capable of sharing devices located at nodes included in the network and capable of accessing the devices in a distributed manner. The Kiyohara et al. reference provides the following definitions for terms used in that reference:

Herein, a term "node" is used for each networked terminal point such as a computer, a word processor, and a workstation. A term "peripheral device" is used for each device connected to each node. Further, a term "network peripheral device" is used for peripheral devices located at nodes connected through the network. (Column 1, lines 37-42.)

Thus, the "node" is defined as a computer, word processor, or workstation, and the "peripheral device" in the Kiyohara et al. reference are defined as devices connected to the "node" (i.e. the computer, word processor, or workstation). In each of the embodiments

described in the Kiyohara et al. reference, it is the components of the nodes that are managing the various peripheral devices, and the peripheral devices themselves are not configured to have any type of management function.

The Official Action specifically refers to the systems depicted in Figures 1-3 (which are, in fact, related art systems) and Figures 7-9, and the corresponding descriptions thereof. However, as is evident from a review of column 2, lines 16-41, in the system in Figures 1 and 2, a network peripheral device management 12 on a starting node S1 issues a request for accessing a peripheral device, and a network peripheral device management 19 on a receiving node S2 receives the request and then performs various tasks. These management devices 12 and 19, which are described and depicted as being part of the node (i.e. the computer, word processor, or workstation) and not part of the peripheral device, are managing the peripheral devices. The figures of all of the various systems described in the Kiyohara et al. reference clearly depict the peripheral device managements as being separate from the boxes labeled as the peripheral devices.

Similarly, with reference to Figures 2 and 3, the Kiyohara et al. references describes in column 3, lines 22-53, that the peripheral device management 12 on a starting node S1 issues a request for accessing a peripheral device (step SU1), and the network peripheral device management 19 on the receiving node S2 serves to analyze the protocol (step SU5), to execute accessing of the peripheral device 20 (step SU6), to create a response protocol on the basis of the accessed result (step SU7), and to transmit the response protocol (step SU8). Thus, it is evident that the management devices on the nodes (i.e. the computer, word

processor, or workstation) are managing the peripheral devices, and not one of the peripheral devices.

Furthermore, in the embodiment depicted in Figures 7-9, the Kiyohara et al. reference describes a system S5 located on the starting node is configured to include an application 32, and the application 32 issues a request for accessing peripheral devices 33, 34 to a router 35 that passes the request to a peripheral device managing portion 36 in case it is a request for accessing the peripheral device 33 relevant to the system S5 itself and to an NPM 37 served as a unit for managing peripheral devices contained in the network if the request is for accessing the peripheral device 34 relevant to the system S6, that is, the system located on another node (receiving node). Again, Figures 7-9 depict the management components, such as application 32 and the components peripheral device managements, as being separate from the boxes labeled as the peripheral devices. As is further evident from the description of this embodiment, the components performing management functions are on the nodes (i.e. the computer, word processor, or workstation), and not on one of the peripheral devices.

Thus, the Kiyohara et al. reference merely describes managing access to various peripheral devices, and does not disclose or suggest selection of a peripheral device to manage other peripheral devices or that peripheral device. The selection of and management of the peripheral devices are clearly described as being performed by components that are part of the nodes (i.e. the computer, word processor, or workstation), and not by any of the peripheral devices

Thus, the Kiyohara et al. reference fails to supplement the deficiencies in the

teachings of the Levi reference. Both the Levi reference and the Kiyohara et al. reference, either when taken singularly or in combination, fail to disclose or even suggest: means provided in the peripheral device for selecting a managing peripheral device to manage a plurality of other peripheral devices and the peripheral device, in the manner recited in independent Claim 1; means provided in each peripheral device for selecting a managing peripheral device to manage the plurality of peripheral devices, in the manner recited in independent Claim 11; the step of using a peripheral device of the plurality of peripheral devices to select a managing peripheral device to manage the plurality of peripheral devices, in the manner recited in independent Claim 21; or a second computer code device configured to select the managing peripheral device to manage the plurality of peripheral devices, in the manner recited in independent Claim 28.

Accordingly, the Applicant submits that a *prima facie* case of obviousness has not been and cannot be established with respect to independent Claims 1, 11, 21, and 28 based on the combination of the Levi reference and the Kiyohara et al. reference. Therefore, the Applicant respectfully requests the withdrawal of the obviousness rejections of independent Claims 1, 11, 21, and 28.

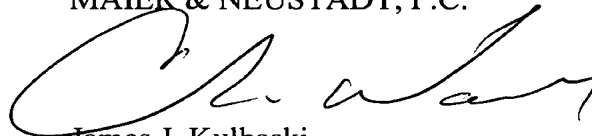
The dependent claims are considered allowable for the reasons advanced for the independent claims from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'J. Kulbaski', written over a horizontal line.

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